

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01596-APM**

DEMOCRACY FORWARD FOUNDATION v. U.S.
DEPARTMENT OF EDUCATION
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 07/05/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**DEMOCRACY FORWARD
FOUNDATION**

represented by **John T. Lewis , III**
DEMOCRACY FORWARD
FOUNDATION
P.O. Box 34553
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(202) 448-9090
Email: jlewis@democracyforward.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
EDUCATION**

represented by **Scott Leeson Sroka**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
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Date Filed	#	Docket Text
07/05/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF EDUCATION (Filing fee \$ 400 receipt number 0090-5571627) filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Lewis, John) (Entered: 07/05/2018)
07/05/2018	<u>2</u>	Corporate Disclosure Statement by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 07/05/2018)
07/06/2018		Case Assigned to Judge Amit P. Mehta. (zjd) (Entered: 07/06/2018)
07/06/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF EDUCATION, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(zjd) (Entered: 07/06/2018)
07/13/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/11/2018. (Answer due for ALL FEDERAL DEFENDANTS by 8/10/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/11/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF EDUCATION served on 7/10/2018 (Attachments: # <u>1</u> Declaration)(Lewis, John) (Entered: 07/13/2018)
07/30/2018	<u>5</u>	NOTICE of Appearance by Scott Leeson Sroka on behalf of All Defendants (Sroka, Scott) (Entered: 07/30/2018)

08/10/2018	<u>6</u>	ANSWER to Complaint by U.S. DEPARTMENT OF EDUCATION.(Sroka, Scott) (Entered: 08/10/2018)
08/14/2018		MINUTE ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before September 4, 2018. The Joint Status Report shall include (1) the status of Plaintiffs FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 08/14/2018. (lcapm3) (Entered: 08/14/2018)
08/14/2018		Set/Reset Deadlines: Joint Status Report due by 9/4/2018. (zjd) (Entered: 08/15/2018)
09/04/2018	<u>7</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Sroka, Scott) (Entered: 09/04/2018)
09/06/2018		MINUTE ORDER. No later than October 4, 2018, the parties shall file a joint status report that updates the court on the status of search and production in this matter. Signed by Judge Amit P. Mehta on 09/06/2018. (lcapm3) (Entered: 09/06/2018)
09/06/2018		Set/Reset Deadlines: Joint Status Report due by 10/4/2018. (zjd) (Entered: 09/07/2018)
10/04/2018	<u>8</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 10/04/2018)
10/05/2018		MINUTE ORDER. No later than November 5, 2018, the parties shall file a Joint Status Report that updates the court on Defendant's search and production efforts in this matter. Signed by Judge Amit P. Mehta on 10/05/2018. (lcapm3) (Entered: 10/05/2018)
10/05/2018		Set/Reset Deadlines: Joint Status Report due by 11/5/2018. (zjd) (Entered: 10/09/2018)
11/05/2018	<u>9</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 11/05/2018)
11/07/2018		MINUTE ORDER. Having considered the parties' respective positions with regard to processing of records, the court orders Defendants to process potentially responsive records at a rate of 500 emails per month, with the first production of records to be made no later than December 14, 2018, and additional productions made every 30 days thereafter. At that pace, Defendant should complete processing records in approximately six months. The parties shall submit an additional Joint Status Report no later than January 18, 2019. Signed by Judge Amit P. Mehta on 11/07/2018. (lcapm3) (Entered: 11/07/2018)
11/07/2018		ENTERED IN ERROR.....Set/Reset Deadlines: Joint Status Report due by 12/14/2018. (zjd) Modified on 11/7/2018: The following entry includes the correct deadline date of 1/18/2019 (zjd). (Entered: 11/07/2018)
11/07/2018		Set/Reset Deadlines: Joint Status Report due by 1/18/2019. (zjd) (Entered: 11/07/2018)
01/16/2019	<u>10</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/16/2019)
01/22/2019		MINUTE ORDER granting Defendant's <u>10</u> Motion for Stay and Extension of Time. This matter is hereby stayed. Within fourteen days of Department of Justice operations resuming, the parties shall submit a Joint Status Report that proposes a schedule for further proceedings in this matter. Signed by Judge Amit P. Mehta on 01/22/2019. (lcapm3) (Entered: 01/22/2019)
02/08/2019	<u>11</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 02/08/2019)
02/08/2019		MINUTE ORDER: In light of <u>11</u> the parties' Joint Status Report, the parties shall submit a subsequent Joint Status Report on or before April 9, 2019. Signed by Judge Amit P. Mehta on 02/08/2019. (lcapm3) (Entered: 02/08/2019)

02/08/2019		Set/Reset Deadlines: Joint Status Report due by 4/9/2019. (zjd) (Entered: 02/08/2019)
04/09/2019	<u>12</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 04/09/2019)
04/09/2019		MINUTE ORDER: In light of <u>12</u> the parties' Joint Status Report, the parties shall submit a subsequent Joint Status Report, which includes an estimate for completing production, on or before June 10, 2019. Signed by Judge Amit P. Mehta on 04/09/2019. (lcapm3) (Entered: 04/09/2019)
04/09/2019		Set/Reset Deadlines: Joint Status Report due by 6/10/2019. (zjd) (Entered: 04/10/2019)
06/10/2019	<u>13</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 06/10/2019)
06/12/2019		MINUTE ORDER: In light of <u>13</u> the parties' Joint Status Report, the parties shall submit a subsequent Joint Status Report, which recommends a further course of proceeding in this matter, on or before August 9, 2019. Signed by Judge Amit P. Mehta on 06/12/2019. (lcapm3) (Entered: 06/12/2019)
06/12/2019		Set/Reset Deadlines: Joint Status Report due by 8/9/2019. (zjd) (Entered: 06/12/2019)
08/09/2019	<u>14</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 08/09/2019)
08/09/2019		MINUTE ORDER. The parties shall file a joint status report no later than August 23, 2019. Signed by Judge Amit P. Mehta on 08/09/2019. (lcapm3) (Entered: 08/09/2019)
08/09/2019		Set/Reset Deadlines: Joint Status Report due by 8/23/2019. (zjd) (Entered: 08/12/2019)
08/23/2019	<u>15</u>	STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Sroka, Scott) (Entered: 08/23/2019)
08/23/2019	<u>16</u>	STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Lewis, John) (Entered: 08/23/2019)
08/26/2019		MINUTE ORDER. Going forward, Defendant shall process and produce records at a rate of no less than 600 pages per month. The additional pages per month is warranted in view of the confusion surrounding the production schedule. The parties shall submit an additional Joint Status Report that updates the court on the status of production by October 25, 2019. Signed by Judge Amit P. Mehta on 08/26/2019. (lcapm3) (Entered: 08/26/2019)
08/26/2019		Set/Reset Deadlines: Joint Status Report due by 10/25/2019. (zjd) (Entered: 08/29/2019)
10/25/2019	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Sroka, Scott) (Entered: 10/25/2019)
10/25/2019		MINUTE ORDER. The parties shall submit an additional Joint Status Report, which updates the court on Defendant's production efforts by December 20, 2019. Signed by Judge Amit P. Mehta on 10/25/2019. (lcapm3) (Entered: 10/25/2019)